

JS 44 (Rev. 06/17)  
 The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

CYWEE GROUP LTD.

**(b) County of Residence of First Listed Plaintiff** OUTSIDE U.S.A.  
 (EXCEPT IN U.S. PLAINTIFF CASES)

**(c) Attorneys (Firm Name, Address, and Telephone Number)**

SHORE CHAN DEPUMPO LLP  
 901 Main Street, Suite 3300  
 Dallas, TX 75202 (214) 593-9110

**DEFENDANTS**

HUAWEI TECHNOLOGIES CO., INC. and  
 HUAWEI DEVICE USA, INC.

**County of Residence of First Listed Defendant** OUTSIDE U.S.A.  
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
 THE TRACT OF LAND INVOLVED

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)  
 (For Diversity Cases Only)

PTF	DEF	PTF	DEF
<input type="checkbox"/> 1 Citizen of This State	<input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2 Citizen of Another State	<input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3 Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions](#).

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input checked="" type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>SOCIAL SECURITY</b>	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			<b>FEDERAL TAX SUITS</b>	
			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

<input type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify)	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
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Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
 35 USC Sec. 1, et seq., including 35 USC Secs. 271, 282, 284 and 285

**VI. CAUSE OF ACTION**

Brief description of cause:  
 Patent Infringement

**VII. REQUESTED IN COMPLAINT:**  CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

**VIII. RELATED CASE(S) IF ANY** (See instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD  
 06/09/2017 /s/ Ari B. Rafilson

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RECEIPT # AMOUNT APPLYING IFF JUDGE MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

CYWEE GROUP LTD.,

*Plaintiff,*

HUAWEI TECHNOLOGIES CO., LTD.; and HUAWEI DEVICE USA, INC.,

*Defendants.*

CASE NO. \_\_\_\_\_

JURY TRIAL DEMANDED

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

1. Plaintiff CyWee Group Ltd. (“Plaintiff” or “CyWee”), by and through its undersigned counsel, files this Original Complaint against Defendants Huawei Technologies Co., Ltd. and Huawei Device USA, Inc. as follows:

**THE PARTIES**

2. CyWee is a corporation existing under the laws of the British Virgin Islands with a principal place of business at 3F, No.28, Lane 128, Jing Ye 1st Road, Taipei, Taiwan 10462.

3. CyWee is a world-leading technology company that focuses on building products and providing services for consumers and businesses. CyWee has one of the most significant patent portfolios in the industry and is a market leader in its core development areas of motion processing, wireless high definition video delivery, and facial tracking technology.

4. Defendant Huawei Technologies Co., Ltd. (“Huawei Tech”) is a Chinese company with a principal place of business at Huawei Industrial Base, Bantian, Longgang District, Shenzhen, Guangdong, China, 518129. Huawei Tech is involved in the design, manufacture, and sale of mobile devices, including smartphones that operate on cellular networks. *See Huawei Techs. Co. v. Samsung Elecs. Co.*, No. 16-cv-02787, Dkt. No. 1 ¶ 3 (N.D. Cal.). Huawei Tech’s subsidiaries in the United States include Huawei Device USA, Inc. *See id.*

5. Defendant Huawei Device USA, Inc. (“Huawei USA”) is a Texas corporation with a principal place of business located at 5700 Tennyson Parkway, Suite 600, Plano, Texas 75024. Huawei USA may be served through its registered agent, CT Corporation System located at 1201 Peachtree Street N.W., Suite 1240, Atlanta, GA 30361. Huawei USA distributes, markets, and sells mobile devices, including smartphones that operate on cellular networks in the United States. *Id.* at ¶ 4.

6. Defendants Huawei Tech and Huawei USA are collectively referred to as “Defendants” or “Huawei.” Huawei is doing business in the United States and, more particularly, in the State of Texas and the Eastern District of Texas, by designing, marketing, making, using, selling, importing, and/or offering for sale products that infringe the patent claims involved in this action or by transacting other business in this District.

**JURISDICTION AND VENUE**

7. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. This Court has personal jurisdiction over each Defendant. Each Defendant has conducted and does conduct business within the State of Texas. Each Defendant has purposefully and voluntarily availed itself of the privileges of conducting business in the United States, the State of Texas, and the Eastern District of Texas by continuously and systematically placing goods into the stream of commerce through an established distribution channel with the expectation that they will be purchased by consumers in the Eastern District of Texas. Defendants previously did not challenge, and thereby submitted to, this Court's personal jurisdiction over them. *See NNPT, LLC v. Huawei Techs. Co., et al.*, No. 14-cv-00677, Dkt. Nos. 17 ¶ 10 & 19 ¶ 10 (E.D. Tex.). Additionally, Huawei Tech has previously submitted to this Court's jurisdiction by availing itself of this Court's authority and filing suit in this district. *See Huawei Techs. Co. v. T-Mobile US, Inc., et al.*, No. 16-cv-00057, Dkt. No. 1 (E.D. Tex.). Plaintiff's causes of action arise directly from Defendants' business contacts and other activities in the State of Texas and the Eastern District of Texas. Additionally, Huawei USA is incorporated in Texas and has its principal place of business located within this District.

Accordingly, this Court has personal jurisdiction over Huawei USA in that it resides in this District.

9. Upon information and belief, each Defendant has committed acts of infringement in this District giving rise to this action and does business in this District, including making sales and/or providing service and support for their respective customers in this District. Defendants purposefully and voluntarily sold one or more of their infringing products with the expectation that they would be purchased by consumers in this District. These infringing products have been and continue to be purchased by consumers in this District. Defendants have committed acts of patent infringement within the United States, the State of Texas, and the Eastern District of Texas.

10. Venue is proper as to Huawei USA under 28 U.S.C. § 1400(b) in that Huawei USA is incorporated in Texas and, therefore, resides in this District. *TC Heartland LLC v. Kraft Food Grps. Brands LLC*, 581 U.S. \_\_\_, 2017 WL 2216934, at \*8 (2017).

11. Venue is proper as to Huawei Tech under 28 U.S.C. § 1391(c)(3) in that it is not a resident of the United States and may, therefore, be sued in any judicial district. *Brunette Mach. Works, Ltd. v. Kockum Indus., Inc.*, 406 U.S. 706, 714 (1972).

12. Upon information and belief, Huawei USA is an agent of Huawei

Tech and is held out to the public as such. *See, e.g.*, <http://www.huawei.com/en/contact-us#location> (last visited May 31, 2017) (listing Huawei USA's address as the "United States North American Headquarters" for Huawei Tech).

13. Further, upon information and belief, Huawei USA operates under the "Huawei" trademark; offers, sells, services, and/or distributes only Huawei products; and coordinates its policies and operations with those of Huawei Tech to benefit and primarily serve the interests of Huawei Tech. Upon information and belief, for consumers of the products accused in this Complaint, there is no substantive difference between Huawei USA and Huawei Tech.

14. Accordingly, venue is further proper as to Huawei Tech under 28 U.S.C. § 1400(b) in that, upon information and belief, Huawei Tech has a regular and established place of business in this District—namely, the place of business of its subsidiary/agent, Huawei USA—and has committed acts of infringement herein.

## **BACKGROUND**

15. The Industrial Technology Research Institute ("ITRI") is a Taiwanese government- and industry-funded research and development center. In 2007, CyWee, which was started at ITRI, was formed. Its goal was to provide innovative motion-sensing technologies, such as those claimed in the patents-in-suit. Dr. Shun-Nan Liu and Chin-Lung Li, two of the inventors of the patents-in-suit, came

to CyWee from ITRI. The third inventor, Zhou “Joe” Ye joined CyWee from private industry as its President and served as CEO from 2006 to 2016.

16. The inventors, Zhou Ye, Chin-Lung Li, and Shun-Nan Liou, conceived of the claims of the patents-in-suit—U.S. Patent No. 8,441,438 (the “’438 Patent”) and U.S. Patent No. 8,552,978 (the “’978 Patent”)—at CyWee Group Ltd., located at 3F, No. 28, Lane 128, Jing Ye Road, Taipei.

17. Several claims of the patents-in-suit are entitled to a priority date of at least January 6, 2010 based on U.S. Provisional Application Serial No. 61/292,558, filed January 6, 2010 (“Provisional Application”).

18. Before May 22, 2009, CyWee began working on the “JIL Game Phone Project” or “JIL Phone.” Before July 29, 2009, CyWee developed a solution for the JIL Phone that practiced several claims of the ’438 Patent. Those claims were diligently and constructively reduced to practice thereafter through the filing of the Provisional Application and were diligently and actually reduced to practice as discussed below. Accordingly, CyWee is entitled to a priority date of at least July 29, 2009 for several claims of the ’438 Patent.

19. The JIL Phone was reduced to practice by at least September 25, 2009. The JIL Phone practiced several claims of both patents-in-suit. Accordingly, CyWee is entitled to a priority date of at least September 25, 2009 for several claims of the patents-in-suit.

**PATENT INFRINGEMENT OF U.S. PATENT NO. 8,441,438**

20. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-19 as though fully set forth herein.

21. The '438 Patent, titled "3D Pointing Device and Method for Compensating Movement Thereof," was duly and legally issued by the United States Patent and Trademark Office on May 14, 2013 to CyWee Group Limited, as assignee of named inventors Zhou Ye, Chin-Lung Li, and Shun-Nan Liou.

22. CyWee is the owner of all right, title, and interest in and to the '438 Patent with full right to bring suit to enforce the patent, including the right to recover for past infringement damages.

23. The '438 Patent claims, *inter alia*, a machine capable of detecting, measuring, and calculating the movements and rotations of the machine—utilizing, *inter alia*, a six-axis motion sensor module, a data transmitting unit, and a computing processor in one or more claimed configurations—and methods for measuring and calculating the movements and rotations of a device within a spatial reference frame.

24. The '438 Patent is directed to useful and novel particular embodiments and methods for detecting, measuring, and calculating motion within a spatial reference frame. The '438 Patent is not intended to, and does not, claim every possible means of detecting, measuring, and calculating motion within a

spatial reference frame. Accordingly, the '438 Patent is not directed to, and does not claim, the mere concept of motion sensing or of detecting, measuring, and calculating motion within a spatial reference frame.

25. Each and every claim of the '438 Patent is valid and enforceable and each enjoys a statutory presumption of validity separate, apart, and in addition to the statutory presumption of validity enjoyed by every other of its claims. 35 U.S.C. § 282.

26. CyWee is informed and believes, and thereupon alleges, that Huawei has been, and is currently, directly and/or indirectly infringing one or more claims of the '438 Patent in violation of 35 U.S.C. § 271, including as stated below.

27. CyWee is informed and believes, and thereupon alleges, that Huawei has directly infringed, literally and/or under the doctrine of equivalents, and will continue to directly infringe claims of the '438 Patent by making, using, selling, offering to sell, and/or importing into the United States products that embody or practice the apparatus and/or method covered by one or more claims of the '438 Patent, including but not limited to Defendants' following devices:



Huawei Nexus 6P



Huawei Mate 9



Huawei MediaPad M2 10.0



Huawei Honor 8

28. The foregoing devices are collectively referred to as the “438 Accused Products” and include the below specifications and features.

29. On information and belief, Huawei indirectly infringes the '438 Patent by inducing others to infringe one or more claims of the '438 Patent through sale and/or use of the '438 Accused Products. On information and belief, at least as a result of the filing of this action, Huawei is aware of the '438 Patent; is aware that its actions with regards to distributors, resellers, and/or end users of the '438 Accused Products would induce infringement; and despite such awareness will continue to take active steps—such as, creating and disseminating the '438 Accused Products and product manuals, instructions, promotional and marketing

materials, and/or technical materials to distributors, resellers, and end users—encouraging other's infringement of the '438 Patent with the specific intent to induce such infringement.<sup>1</sup>

30. The Huawei Nexus 6P includes a display screen.
31. The Huawei Nexus 6P includes a housing.
32. The Huawei Nexus 6P includes a 3-axis accelerometer.
33. The Huawei Nexus 6P includes a 3-axis gyroscope.
34. The Huawei Nexus 6P includes at least one printed circuit board (“PCB”).
35. The Huawei Nexus 6P includes a 3-axis accelerometer attached to a PCB.
36. The Huawei Nexus 6P includes a 3-axis gyroscope attached to a PCB.
37. The Huawei Nexus 6P includes a 3-axis accelerometer that is capable of measuring accelerations.
38. The Huawei Nexus 6P includes a 3-axis gyroscope that is capable of measuring rotation rates.
39. The Huawei Nexus 6P runs an Android<sup>TM</sup> operating system.
40. The Huawei Nexus 6P includes a 3-axis accelerometer that is capable

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<sup>1</sup> To preempt any argument that such allegations are insufficient to establish a claim for induced infringement, CyWee would respectfully note that this Court has previously held such allegations sufficient. *See, e.g., Huawei Techs. Co. v. T-Mobile US, Inc.*, Case No. 2:16-cv-00052-JRG-RSP, 2017 WL 1129951, at \*3 (E.D. Tex. Feb. 21, 2017) (“Huawei’s complaints adequately plead knowledge. Huawei alleges that T-Mobile knew of the asserted patents ‘since at least the filing of this action.’”).

of measuring accelerations using a “Sensor Coordinate System” as described in the Android™ developer library. *See* [https://developer.android.com/guide/topics/sensors/sensors\\_overview.html](https://developer.android.com/guide/topics/sensors/sensors_overview.html) (describing “Sensor Coordinate System”).

41. The Huawei Nexus 6P includes a 3-axis gyroscope that is capable of measuring rotation rates using a “Sensor Coordinate System.”

42. The Huawei Nexus 6P includes a processor that is capable of processing data associated with measurement from a 3-axis accelerometer.

43. The Huawei Nexus 6P includes a processor that is capable of processing data associated with measurement from a 3-axis gyroscope.

44. The Android™ operating system that runs on the Huawei Nexus 6P uses the measurement from a 3-axis accelerometer included in the device.

45. The Android™ operating system that runs on the Huawei Nexus 6P uses the measurement from a 3-axis gyroscope included in the device.

46. The Android™ operating system that runs on the Huawei Nexus 6P uses the measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

47. The Huawei Mate 9 includes a display screen.

48. The Huawei Mate 9 includes a housing.

49. The Huawei Mate 9 includes a 3-axis accelerometer.

50. The Huawei Mate 9 includes a 3-axis gyroscope.

51. The Huawei Mate 9 includes at least one PCB.
52. The Huawei Mate 9 includes a 3-axis accelerometer attached to a PCB.
53. The Huawei Mate 9 includes a 3-axis gyroscope attached to a PCB.
54. The Huawei Mate 9 includes a 3-axis accelerometer that is capable of measuring accelerations.
55. The Huawei Mate 9 includes a 3-axis gyroscope that is capable of measuring rotation rates.
56. The Huawei Mate 9 runs an Android<sup>TM</sup> operating system.
57. The Huawei Mate 9 includes a 3-axis accelerometer that is capable of measuring accelerations using a “Sensor Coordinate System” as described in the Android<sup>TM</sup> developer library. *See* [https://developer.android.com/guide/topics/sensors/sensors\\_overview.html](https://developer.android.com/guide/topics/sensors/sensors_overview.html) (describing “Sensor Coordinate System”).
58. The Huawei Mate 9 includes a 3-axis gyroscope that is capable of measuring rotation rates using a “Sensor Coordinate System.”
59. The Huawei Mate 9 includes a processor that is capable of processing data associated with measurement from a 3-axis accelerometer.
60. The Huawei Mate 9 includes a processor that is capable of processing data associated with measurement from a 3-axis gyroscope.
61. The Android<sup>TM</sup> operating system that runs on the Huawei Mate 9 uses

the measurement from a 3-axis accelerometer included in the device.

62. The Android<sup>TM</sup> operating system that runs on the Huawei Mate 9 uses the measurement from a 3-axis gyroscope included in the device.

63. The Android<sup>TM</sup> operating system that runs on the Huawei Mate 9 uses the measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

64. The Huawei Honor 8 includes a display screen.

65. The Huawei Honor 8 includes a housing.

66. The Huawei Honor 8 includes a 3-axis accelerometer.

67. The Huawei Honor 8 includes a 3-axis gyroscope.

68. The Huawei Honor 8 includes at least one PCB.

69. The Huawei Honor 8 includes a 3-axis accelerometer attached to a PCB.

70. The Huawei Honor 8 includes a 3-axis gyroscope attached to a PCB.

71. The Huawei Honor 8 includes a 3-axis accelerometer that is capable of measuring accelerations.

72. The Huawei Honor 8 includes a 3-axis gyroscope that is capable of measuring rotation rates.

73. The Huawei Honor 8 runs an Android<sup>TM</sup> operating system.

74. The Huawei Honor 8 includes a 3-axis accelerometer that is capable

of measuring accelerations using a “Sensor Coordinate System” as described in the Android™ developer library. *See* [https://developer.android.com/guide/topics/sensors/sensors\\_overview.html](https://developer.android.com/guide/topics/sensors/sensors_overview.html) (describing “Sensor Coordinate System”).

75. The Huawei Honor 8 includes a 3-axis gyroscope that is capable of measuring rotation rates using a “Sensor Coordinate System.”

76. The Huawei Honor 8 includes a processor that is capable of processing data associated with measurement from a 3-axis accelerometer.

77. The Huawei Honor 8 includes a processor that is capable of processing data associated with measurement from a 3-axis gyroscope.

78. The Android™ operating system that runs on the Huawei Honor 8 uses the measurement from a 3-axis accelerometer included in the device.

79. The Android™ operating system that runs on the Huawei Honor 8 uses the measurement from a 3-axis gyroscope included in the device.

80. The Android™ operating system that runs on the Huawei Honor 8 uses the measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

81. The Huawei MediaPad M2 10.0 includes a display screen.

82. The Huawei MediaPad M2 10.0 includes a housing.

83. The Huawei MediaPad M2 10.0 includes a 3-axis accelerometer.

84. The Huawei MediaPad M2 10.0 includes a 3-axis gyroscope.

85. The Huawei MediaPad M2 10.0 includes at least PCB.

86. The Huawei MediaPad M2 10.0 includes a 3-axis accelerometer attached to a PCB.

87. The Huawei MediaPad M2 10.0 includes a 3-axis gyroscope attached to a PCB.

88. The Huawei MediaPad M2 10.0 includes a 3-axis accelerometer that is capable of measuring accelerations.

89. The Huawei MediaPad M2 10.0 includes a 3-axis gyroscope that is capable of measuring rotation rates.

90. The Huawei MediaPad M2 10.0 runs an Android<sup>TM</sup> operating system.

91. The Huawei MediaPad M2 10.0 includes a 3-axis accelerometer that is capable of measuring accelerations using a “Sensor Coordinate System” as described in the Android<sup>TM</sup> developer library. *See* [https://developer.android.com/guide/topics/sensors/sensors\\_overview.html](https://developer.android.com/guide/topics/sensors/sensors_overview.html) (describing “Sensor Coordinate System”).

92. The Huawei MediaPad M2 10.0 includes a 3-axis gyroscope that is capable of measuring rotation rates using a “Sensor Coordinate System.”

93. The Huawei MediaPad M2 10.0 includes a processor that is capable of processing data associated with measurement from a 3-axis accelerometer.

94. The Huawei MediaPad M2 10.0 includes a processor that is capable of

processing data associated with measurement from a 3-axis gyroscope.

95. The Android<sup>TM</sup> operating system that runs on the Huawei MediaPad M2 10.0 uses the measurement from a 3-axis accelerometer included in the device.

96. The Android<sup>TM</sup> operating system that runs on the Huawei MediaPad M2 10.0 uses the measurement from a 3-axis gyroscope included in the device.

97. The Android<sup>TM</sup> operating system that runs on the Huawei MediaPad M2 10.0 uses the measurement from a 3-axis accelerometer and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

98. CyWee adopts, and incorporates by reference, as if fully stated herein, the attached claim chart for claim 14 of the '438 Patent, which is attached hereto as Exhibit A. The claim chart describes and demonstrates how Huawei infringes the '438 Patent. In addition, CyWee alleges that Huawei infringes one or more additional claims of the '438 Patent in a similar manner.

99. Defendants' acts of infringement have caused and will continue to cause substantial and irreparable damage to CyWee.

100. As a result of Defendants' infringement of the '438 Patent, CyWee has been damaged. CyWee is, therefore, entitled to damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be pled but that will be determined at trial.

**PATENT INFRINGEMENT OF U.S. PATENT NO. 8,552,978**

101. Plaintiff repeats and re-alleges each and every allegation of paragraphs 1-100 as though fully set forth herein.

102. The '978 Patent, titled "3D Pointing Device and Method for Compensating Rotations of the 3D Pointing Device Thereof," was duly and legally issued by the United States Patent and Trademark Office on October 8, 2013 to CyWee Group Limited, as assignee of named inventors Zhou Ye, Chin-Lung Li, and Shun-Nan Liou.

103. CyWee is the owner of all right, title, and interest in and to the '978 Patent with full right to bring suit to enforce the patent, including the right to recover for past infringement damages.

104. The '978 Patent claims, *inter alia*, a machine capable of detecting, measuring, and calculating the movements and rotations of the machine—utilizing, *inter alia*, a nine-axes motion sensor module and two computing processors in one or more claimed configurations—and methods for measuring and calculating the movements and rotations of a device within a spatial reference frame.

105. The '978 Patent is directed to useful and novel particular embodiments and methods for detecting, measuring, and calculating motion within a spatial reference frame. The '978 Patent is not intended to, and does not, claim every possible means of detecting, measuring, and calculating motion within a spatial reference frame. Accordingly, the '978 Patent is not directed to, and does

not claim, the mere concept of motion sensing or of detecting, measuring, and calculating motion within a spatial reference frame.

106. Each and every claim of the '978 Patent is valid and enforceable and each enjoys a statutory presumption of validity separate, apart, and in addition to the statutory presumption of validity enjoyed by every other of its claims. 35 U.S.C. § 282.

107. CyWee is informed and believes, and thereupon alleges, that Huawei has been, and is currently, directly and/or indirectly infringing one or more claims of the '978 Patent in violation of 35 U.S.C. § 271, including as stated below.

108. CyWee is informed and believes, and thereupon alleges, that Huawei has directly infringed, literally and/or under the doctrine of equivalents, and will continue to directly infringe claims of the '978 Patent by making, using, selling, offering to sell, and/or importing into the United States products that embody or practice the apparatus and/or method covered by one or more claims of the '978 Patent, including but not limited to Defendants' following devices:



Huawei Nexus 6P



Huawei Mate 9



Huawei MediaPad M2 10.0



Huawei Honor 8

109. The foregoing devices are collectively referred to as the “’978 Accused Products” and include the following specifications and features.

110. On information and belief, Huawei indirectly infringes the ’978 Patent by inducing others to infringe one or more claims of the ’978 Patent through sale and/or use of the ’978 Accused Products. On information and belief, at least as a result of the filing of this action, Huawei is aware of the ’978 Patent; is aware that its actions with regards to distributors, resellers, and/or end users of the ’978 Accused Products would induce infringement; and despite such awareness will continue to take, active steps—such as, creating and disseminating the ’978 Accused Products, and product manuals, instructions, promotional and marketing materials, and/or technical materials to distributors, resellers, and end users—encouraging other’s infringement of the ’978 Patent with the specific intent to induce such infringement.

111. The Huawei Nexus 6P includes a 3-axis geomagnetic sensor.

112. The Huawei Nexus 6P includes a 3-axis geomagnetic sensor that is capable of measuring a geomagnetic field.

113. The Huawei Nexus 6P includes a 3-axis geomagnetic field sensor to measure a geomagnetic field using a “Sensor Coordinate System.” *See* [https://developer.android.com/guide/topics/sensors/sensors\\_overview.html](https://developer.android.com/guide/topics/sensors/sensors_overview.html) (describing “Sensor Coordinate System”).

114. The Android operating system that runs on the Huawei Nexus 6P uses the measurement from a 3-axis geomagnetic sensor included in the device.

115. The Android operating system that runs on the Huawei Nexus 6P uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

116. The Android operating system that runs on the Huawei Nexus 6P uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented by an azimuth angle, a pitch angle, and a roll angle.

117. The Huawei Nexus 6P has the ability to directly control apps by moving or rotating the device (for example, racing game apps).

118. The Huawei Nexus 6P has the ability to run apps that can provide

information based on the direction your device is facing, such as a map or navigation app.

119. The Huawei Mate 9 includes a 3-axis geomagnetic sensor.

120. The Huawei Mate 9 includes a 3-axis geomagnetic sensor that is capable of measuring a geomagnetic field.

121. The Huawei Mate 9 includes a 3-axis geomagnetic field sensor to measure a geomagnetic field using a “Sensor Coordinate System.” *See* [https://developer.android.com/guide/topics/sensors/sensors\\_overview.html](https://developer.android.com/guide/topics/sensors/sensors_overview.html) (describing “Sensor Coordinate System”).

122. The Android operating system that runs on the Huawei Mate 9 uses the measurement from a 3-axis geomagnetic sensor included in the device.

123. The Android operating system that runs on the Huawei Mate 9 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

124. The Android operating system that runs on the Huawei Mate 9 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented by an azimuth angle, a pitch angle, and a roll angle.

125. The Huawei Mate 9 has the ability to directly control apps by moving or rotating the device (for example, racing game apps).

126. The Huawei Mate 9 has the ability to run apps that can provide information based on the direction your device is facing, such as a map or navigation app.

127. The Huawei Honor 8 includes a 3-axis geomagnetic sensor.

128. The Huawei Honor 8 includes a 3-axis geomagnetic sensor that is capable of measuring a geomagnetic field.

129. The Huawei Honor 8 includes a 3-axis geomagnetic field sensor to measure a geomagnetic field using a “Sensor Coordinate System.” *See* [https://developer.android.com/guide/topics/sensors/sensors\\_overview.html](https://developer.android.com/guide/topics/sensors/sensors_overview.html) (describing “Sensor Coordinate System”).

130. The Android operating system that runs on the Huawei Honor 8 uses the measurement from a 3-axis geomagnetic sensor included in the device.

131. The Android operating system that runs on the Huawei Honor 8 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

132. The Android operating system that runs on the Huawei Honor 8 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis

geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented by an azimuth angle, a pitch angle, and a roll angle.

133. The Huawei Honor 8 has the ability to directly control apps by moving or rotating the device (for example, racing game apps).

134. The Huawei Honor 8 has the ability to run apps that can provide information based on the direction your device is facing, such as a map or navigation app.

135. The Huawei MediaPad M2 10.0 includes a 3-axis geomagnetic sensor.

136. The Huawei MediaPad M2 10.0 includes a 3-axis geomagnetic sensor that is capable of measuring a geomagnetic field.

137. The Huawei MediaPad M2 10.0 includes a 3-axis geomagnetic field sensor to measure a geomagnetic field using a “Sensor Coordinate System.” *See* [https://developer.android.com/guide/topics/sensors/sensors\\_overview.html](https://developer.android.com/guide/topics/sensors/sensors_overview.html) (describing “Sensor Coordinate System”).

138. The Android operating system that runs on the Huawei MediaPad M2 10.0 uses the measurement from a 3-axis geomagnetic sensor included in the device.

139. The Android operating system that runs on the Huawei MediaPad M2 10.0 uses the measurement from a 3-axis accelerometer, the measurement from a

3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device.

140. The Android operating system that runs on the Huawei MediaPad M2 10.0 uses the measurement from a 3-axis accelerometer, the measurement from a 3-axis geomagnetic field sensor, and the measurement from a 3-axis gyroscope to calculate an attitude of the device that can be represented by an azimuth angle, a pitch angle, and a roll angle.

141. The Huawei MediaPad M2 10.0 has the ability to directly control apps by moving or rotating the device (for example, racing game apps).

142. The Huawei MediaPad M2 10.0 has the ability to run apps that can provide information based on the direction your device is facing, such as a map or navigation app.

143. CyWee adopts, and incorporates by reference, as if fully stated herein, the attached claim chart for claim 10 of the '978 Patent, which is attached hereto as Exhibit B. The claim chart describes and demonstrates how Huawei infringes the '978 Patent. In addition, CyWee alleges that Huawei infringes one or more additional claims of the '978 Patent in a similar manner.

144. Defendants' acts of infringement have caused and will continue to cause substantial and irreparable damage to CyWee.

145. As a result of Defendants' infringement of the '978 Patent, CyWee

has been damaged. CyWee is, therefore, entitled to damages pursuant to 35 U.S.C. § 284 in an amount that presently cannot be pled but that will be determined at trial.

**PRAAYER FOR RELIEF**

**WHEREFORE, PREMISES CONSIDERED,** Plaintiff prays for entry of judgment against Defendants as follows:

- A. A judgment that Defendants have infringed and continue to infringe the '438 Patent and '978 Patent, directly and/or indirectly, as alleged herein;
- B. That Defendants provide to CyWee an accounting of all gains, profits, and advantages derived by Defendants' infringement of the '438 Patent and '978 Patent, and that CyWee be awarded damages adequate to compensate them for the wrongful infringement by Defendants, in accordance with 35 U.S.C. § 284;
- C. That CyWee be awarded any other supplemental damages and interest on all damages, including, but not limited to, attorney fees available under 35 U.S.C. § 285;
- D. That the Court permanently enjoin Defendants and all those in privity with Defendants from making, having made, selling, offering for sale, distributing, and/or using products that infringe the '438 Patent and '978 Patent, including the '438 Accused Products and/or '978 Accused Products, in the United States; and

E. That CyWee be awarded such other and further relief and all remedies available at law.

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38(b), CyWee hereby demands a trial by jury on all issues triable to a jury.

Dated: June 9, 2017

Respectfully submitted,

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